

REMARKS / ARGUMENTS

Claims 7-16 are pending in this application. Claims 1-4 have been canceled. Claims 5-6 have been withdrawn. Claim 7 was amended to specify woven fabric in the independent claim so as to provide proper antecedent basis. No new matter has bee added.

Specification

In the Office Action, the Examiner objected to the disclosure for improper usage of trademarks. In accordance with the Examiner's suggestions to identify the trademarks in Tables 1-4, Applicant has amended the specification so that each mark is followed by the proper trademark symbol and accompanied by the corresponding generic terminology and each letter of the marks used in the Tables is capitalized.

Claim Rejections - 35 USC 103

The Examiner also rejected claims 1-4 of the present application under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,986,000 issued to Williams et al, (herein, "Williams"), in view of U.S. Patent No. 6,432,542 issued to Tsai (herein, "Tsai"). Applicant respectfully points out that claims 1-4 have been canceled in order to obviate this rejection.

Claims 1-4 and 7-16 have been rejected as being unpatentable over U.S. Patent No. 6,833,333 to Reisdorf et al (herein, "Reisdorf") in view of Williams and Tsai. To establish a *prima facie* case of obviousness, three basic criteria must be met. First, *there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art*, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. (emphasis added, see M.P.E.P. Section 2143).

It is also well established that if a proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125

(Fed. Cir. 1984). MPEP §2143.01, 8th Ed. (Rev. 2, 2004).

The present invention, *as a whole*, relates to polyolefin woven fabrics coated with soft tactile coating layers. The present inventors have discovered surprisingly, that the combination of thermoplastic vulcanizate with polyolefin elastomer when applied to a woven fabric creates coatings with superior soft tactile characteristics, that is not attainable with either thermoplastic vulcanizate or elastomer alone. The polyolefin woven fabrics of the present invention are suitable for use in applications such as clothing textiles, furniture textiles, pool covers, banners and billboard fabrics, rental tent fabrics, truck tarps, cargo container covers and water tank or reservoir covers.

Reisdorf discloses a laminate structure comprising a nonwoven substrate, a first polymer composition completely impregnating the nonwoven substrate, and a second polymer composition coating at least one side of the first polymer impregnated nonwoven substrate. The laminates disclosed in Reisdorf are water resistant fabrics particularly useful as roof linings and linings for ponds, pits, and tanks. By varying the stress index of a first polymer impregnated in the woven fabric and a second polymer coating the fabric, the tear resistance can be improved. Reisdorf discloses that the coating layers may comprise a polyolefin or a thermoplastic vulcanizate. Reisdorf does not teach or disclose polyolefin woven fabrics which have coating layers comprising a thermoplastic vulcanizate *and* a polyolefin elastomer.

The only portions of Reisdorf cited by the Office action are those dealing with the second composition used for coating the non-woven fabric that has been impregnated with the first composition. Reisdorf, while often using similar language and terms, discloses and teaches, as a whole, a very different invention. Indeed, Reisdorf discloses various polymers suitable for either the first or second composition and discloses details such as Shore A hardness and melt index for the composition of each layer, but not any such details for the various constituents of the compositions, as presently claimed.

Indeed, although Reisdorf makes a single mention of woven fabric, a primary teaching and purpose of Reisdorf is improved tear resistance and use of an impregnated non-woven fabric contributes substantially to provide this property, such that any modification of Reisdorf to form a coated woven fabric, as presently claimed, would improperly destroy a primary purpose of the invention.

The Examiner further suggests that Williams discloses a polyolefin composition comprising 25% to 75% by weight polyolefin, 25% to 75% thermoplastic vulcanizate, and a plastomer in an amount of 5 to 15%. The Examiner suggests combining Reisdorf and Williams to arrive at the presently claimed soft tactile coating composition. However, there is no teaching or suggestion to combine Reisdorf with Williams as suggested by the Examiner. Reisdorf discloses a water resistant fabric. Williams discloses a polyolefin and a rubber type composition that is useful to *form* such articles as baby bottles, pacifiers, toothbrushes, and particularly tampon applicators. Williams does not disclose any teachings whatsoever regarding compositions which are useful as *coatings* for fabrics. One of ordinary skill in the art would not be motivated to rely on disclosure relating to compositions for forming *tampon applicators* in order to arrive at suitable compositions for coating *fabrics*.

Even if Reisdorf could be appropriately combined with Williams, however, one would not arrive at the present invention. Williams does not teach the soft tactile coating composition of the present invention. Williams discloses a polymeric compound particularly suitable for forming tampon applicators. Williams distinguishes the two components of the compound as a “polyolefin” and “a rubber type composition”. The polyolefin is disclosed as being preferably polyethylene, a *rigid* polyolefin, while the rubber type composition is disclosed as preferably being a thermoplastic elastomer, *such as* a thermoplastic vulcanizate. The rubber type composition is disclosed as being useful to “adjust the softness and flexibility of the polymeric compound”. The Examiner seems to suggest, however, that the “polyolefin” component of the Williams compound can be a thermoplastic elastomer, and the “rubber type composition” of the Williams compound can also be a thermoplastic elastomer. Thus, according to the Examiner, the Williams compound can be made entirely from the “rubber type composition” or thermoplastic elastomer. If such were the case, Williams would not have distinguished the two components of the compound, and would not have disclosed a rigid polyolefin as being the preferred polyolefin. Indeed, Williams fails to teach or disclose the Examiner’s suggested compound, let alone those presently claimed. It is also difficult to imagine how such a compound (consisting entirely of a rubber type composition) would be useful to form the products envisioned in Williams, such as tampon applicators. Applicant respectfully points out that it is impermissible to rely on hindsight reconstruction, after having had the benefit of Applicant’s disclosure, in order to arrive at the

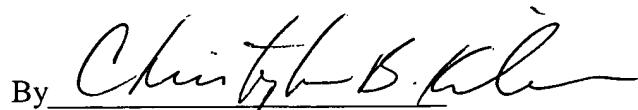
presently claimed composition for coatings.

Williams also fails to disclose the hardness of the thermoplastic vulcanizate and the melt index of the elastomer. The Examiner suggests combining Reisdorf and Williams with Tsai. Tsai discloses multi-component structures useful for packaging applications. Again there is no teaching or suggestion to combine Reisdorf and Williams with Tsai. One of ordinary skill in the art would not be motivated to rely on disclosure relating to packaging applications in order to arrive at the presently claimed soft tactile coated woven fabrics. In addition, Applicant is not asserting that a thermoplastic vulcanizate having a shore hardness number of 30-80 and an elastomer having a melt index of less than 5 were not previously known or used. Rather, it has been found that a coating composition applied to a woven fabric, having a thermoplastic vulcanizate with the claimed shore hardness number and an elastomer with the claimed melt index, achieves a soft tactile finish that is low gloss, non-tacky, non-slick, and approaches the tactile sensation of microfiber polyolefin textile.

In view of the above information and remarks, Applicant respectfully requests reconsideration of the current rejections. Applicant submits that based on the foregoing, claims 7-16 in their present form are allowable over the cited prior art. Applicant further requests that a timely Notice of Allowance be issued in this case.

Should any further questions arise concerning this application or in the event the above amendments do not place the application in condition for allowance, Applicant respectfully requests an interview with the examiner and the examiner's supervisor prior to any new office action relating to the present Application. Attorney for the Applicant may be reached at the number listed below.

Respectfully Submitted,

By 
Christopher B. Kilner; Registration No. 45,381
Nahied K. Usman; Registration No. 47,148
Roberts Abokhair & Mardula, LLC
11800 Sunrise Valley Drive, Suite 1000
Reston, VA 20191
703-391-2900